

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WAYMO LLC,
Plaintiff,
v.

UBER TECHNOLOGIES, INC., et al.,
Defendants.

Case No. [17-cv-00939-WHA](#) (JSC)

**ORDER GRANTING IN PART AND
DENYING IN PART
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

Re: Dkt. Nos. 1120, 1126, 1143, 1145, 1147,
1150, 1153, 1155, 1161, 1214, 1226

The parties in this action have sought to file voluminous information under seal, only a portion of which is properly sealable. This Order addresses the parties' Administrative Motions to File under Seal at Docket Nos. 1120, 1126, 1143, 1145, 1147, 1150, 1153, 1155, 1161, 1214, and 1226. After carefully considering the parties' submissions, the motions to seal are GRANTED in part and DENIED in part as set forth in the table below.

Civil Local Rule 79-5 requires that a party seeking sealing "establish[]" that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law" (i.e., is "sealable"). Civil L.R. 79-5(b). The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.* Any request for sealing must be supported by a declaration "establishing that the document sought to be filed under seal, or portions thereof, are sealable." Civil L.R. 79-5(d)(1)(A). If the party filing the motion is not the party who designated the material at issue as confidential, then the designating party has four days to file a declaration in support of sealing or the motion to seal will be denied. Civil L.R. 79-5(e).

Dkt. No.	Ruling
Dkt. No. 1120	Dkt. No. 1120-4 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1120-4/1180-2 ¹ because they reference Waymo's asserted trade secrets, except as to references to "fiber laser" (Dkt. No. 1180-2 at 2, 3) and to "laser specifications" (<i>Id.</i> at 3.)
	Dkt. No. 1120-5 The Court DENIES the motion to seal parts of the highlighted portions of Dkt. Nos. 1120-5/1180-4 except as to Dkt. No. 1180-4 at 9:3-4, 9:24, and 10:23-24 because they reference Waymo's asserted trade secrets.
	Dkt. No. 1120-6 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1120-6/1180-6 because they reference Waymo's asserted trade secrets.
	Dkt. No. 1120-7 The Court DENIES the motion to seal the highlighted portion of Dkt. No. 1120-7 because it contains no confidential information.
	Dkt. No. 1120-8 The Court DENIES the motion to seal the highlighted portion of Dkt. No. 1120-8 because it contains no confidential information.
Dkt. No. 1126	Dkt. No. 1126-4 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1126-4/1181-2 because they refer to the confidential design and functionality of Waymo's LiDAR designs.
Dkt. No. 1143	Dkt. No. 1143-4 The Court DENIES the motion to seal Dkt. No. 1143-4 because the designating party has not submitted a declaration in support of Dkt. No. 1143 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).
	Dkt. No. 1143-7 The Court DENIES the motion to seal Dkt. No. 1143-7 because the designating Party has not submitted a declaration in support of Dkt. No. 1143 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).

¹ Docket No. 1120 was revised by Docket. No. 1180. To the extent any party revised the proposed redactions for the at-issue motions to seal, this is indicated throughout this order by reference to the original exhibit and the revised exhibit separated by a backslash, i.e., Dkt. No. 1120/1180.

	<p>Dkt. No. 1143-8</p> <p>Dkt. No. 1143-10</p>	<p>The Court DENIES the motion to seal the entirety of Dkt. No. 1143-8 because only one page of the document was submitted by Plaintiff, and no additional document was attached to Ms. Hyde's supporting declaration (Dkt. No. 1152.) In any case, the only page of the document submitted by Plaintiff contains no confidential information with regards to Otto Trucking.</p> <p>The Court DENIES the motion to seal the marked portions (in red boxes) of Dkt. Nos. 1143-10/1195-2 except as to Dkt. No. 1195-2 at 3:18-21 which is properly sealable because that portion contains details of Uber's acquisitions.</p>
Dkt. No. 1145	Dkt. No. 1145-6	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1145-6 because they contain no confidential information.
Dkt. No. 1150 (correcting Dkt. No. 1147)	<p>Dkt. No. 1150-4</p> <p>Dkt. No. 1150-6</p>	<p>The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1150-4 because they contain no confidential information.</p> <p>The Court DENIES the motion to seal the entirety of Dkt. No. 1150-6 because neither the moving party nor the designating party has submitted an un-redacted version of the document (Board of Directors' minutes of meeting). The document as is contains no confidential information.</p>
Dkt. No. 1153	<p>Dkt. No. 1153-3</p> <p>Dkt. No. 1153-5</p>	<p>The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1153-3 because they contain no confidential information.</p> <p>The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1153-5 because they refer to content from an August 4, 2017 discussion, which was obtained on the condition that it would remain confidential.</p>
Dkt. No. 1155	Dkt. No. 1155-4	The Court DENIES the motion to seal Dkt. No. 1155-4 because the designating party has not submitted a supporting declaration. <i>See</i> Civil L.R. 79-5(e).

Dkt. No. 1161	Dkt. No. 1161-3	The Court DENIES the motion to seal Dkt. No. 1161-3 because the designating party has not submitted a declaration in support of Dkt. No. 1161 for this exhibit. <i>See</i> Civil L.R. 79-5(e).
	Dkt. No. 1161-5	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1161-5 because they contain no confidential information.
	Dkt. No. 1161-6	The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1161-6/1217-2 except as to Dkt. No. 1217-2 at 35:21-25, and the highlighted portions of Dkt. No. 1217-2 at 37, 38, 40, 42, 43, 45, and 46. Remaining portions refer to names of individuals whose identity is already public or contain no confidential information.
	Dkt. No. 1161-7	The Court DENIES the motion to seal Dkt. No. 1161-7 because the designating party has not submitted a declaration in support of Dkt. No. 1161 for this Exhibit. <i>See</i> Civil L.R. 79-5(e).
	Dkt. No. 1161-8	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1161-8 because they contain no confidential information.
	Dkt. No. 1161-9	The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1161-9 because they contain no confidential information.
	Dkt. No. 1161-10	The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1161-10/1217-4 because they contain email addresses for Google and Waymo employees.
	Dkt. No. 1161-12	The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1161-12/1217-6 because they contain email addresses for Google and Waymo employees.
	Dkt. No. 1161-13	The Court GRANTS the motion to seal the highlighted portions of Dkt. No. 1161-13/1217-8 because they contain email addresses for Google and Waymo employees.
	Dkt. No. 1161-14	The Court DENIES the motion to seal the highlighted portions in red of Dkt. No. 1161-14/1217-10 except as to the first highlighted word in Dkt. No. 1217-10 at 6 and the highlighted portion in Dkt. No. 1217-10 at 11.

	<p>Dkt. No. 1161-15 The Court GRANTS the motion to seal the entirety of Dkt. No. 1161-15 because the document consists of a machine forensic record.</p> <p>Dkt. No. 1161-16 The Court GRANTS the motion to seal the entirety of Dkt. No. 1161-16 because the document consists of a machine forensic record.</p>
Dkt. No. 1214	<p>Dkt. No. 1214-4 The Court DENIES the motion to seal the portions marked in red boxes of Dkt. Nos. 1214-4/1294-2 because they cite to a publicly available declaration, reference the names of Google custodians, which are not confidential, and contain no other confidential information.</p> <p>Dkt. No. 1214-6 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1214-6/1294-4 except as to Dkt. No. 1294-4 at 7:8-10, which contains the names of consultants who have assisted in Waymo's acquisitions, and the highlighted portions in Dkt. No. 1294-4 at 13:5-9, which refer to Waymo acquisitions.</p> <p>Dkt. No. 1214-8 The Court GRANTS the motion to seal the highlighted portions of Dkt. Nos. 1214-8/1294-6 because they contain the confidential design and functionality of Waymo's proprietary autonomous vehicle system, including its LiDAR designs.</p> <p>Dkt. No. 1214-10 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1214-10/1294-8 because they contain no confidential information.</p> <p>Dkt. No. 1214-12 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1214-12/1294-10 because they contain no confidential information.</p> <p>Dkt. No. 1214-14 The Court GRANTS the motion to seal the highlighted portion of Dkt. Nos. 1214-14/1294-12 because it contains a witness' home address.</p> <p>Dkt. No. 1214-16 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1214-16/1294-14 because the request is not narrowly tailored to include only confidential information. <i>See</i> Civil L.R. 79-5(b).</p>

	<p>Dkt. No. 1214-18 The Court DENIES the motion to seal the highlighted portions of Dkt. Nos. 1214-18/1294-16 except as to the highlighted portion in Dkt. No. 1294-16 at 7, which refers to Waymo acquisitions.</p> <p>Dkt. No. 1214-20 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1214-20 because names of custodians do not constitute confidential information.</p> <p>Dkt. No. 1214-22 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1214-22 because the designating party has not submitted a declaration in support of Dkt. No. 1214 for this exhibit. <i>See</i> Civil L.R. 79-5(e).</p> <p>Dkt. No. 1214-24 The Court DENIES the motion to seal the highlighted portions of Dkt. No. 1214-24/1294-18 except as to the highlighted portion in Dkt. No. 1294-18 at 8.</p>
Dkt. No. 1226	<p>Dkt. No. 1226-4 The Court GRANTS the motion to seal the highlighted portion of Dkt. No. 1226-4 because it refers to Waymo's confidential log data.</p> <p>Dkt. No. 1226-6 The Court GRANTS the motion to seal the entirety of Dkt. No. 1226-6 because the document consists of a machine forensic record.</p>

This Order disposes of Docket Nos. 1120, 1126, 1143, 1145, 1147, 1150, 1153, 1155, 1161, 1214, and 1226.

IT IS SO ORDERED.

Dated: December 4, 2017


 JACQUELINE SCOTT CORLEY
 United States Magistrate Judge